

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3186-2023(O&M)

Date of decision:-22.5.2023

Kamaljit Singh Mann

...Petitioner

Versus

Ajmer Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ashok Singla, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 31.1.2023 passed by learned Additional District Judge, Sangrur vide which while allowing an application under Section 5 of the Limitation Act, he had condoned the delay of 120 days in filing of appeal by appellant Ajmer Singh.

2. Briefly stated, the facts of the case are that appellant Ajmer Singh feeling aggrieved by the judgment and decree dated 17.8.2017 passed by the trial Court, had filed an appeal against it before District Court at Sangrur, which was assigned to Additional District Judge, Sangrur. Since the appeal was filed beyond the period of limitation, as such an application under Section 5 of the Limitation Act was filed contending that appellants are bona fide purchasers of some land out of the suit land; they were not impleaded as party in the suit by the plaintiffs intentionally, who had got the ex-parte judgment and decree passed in

their favour in collusion with the defendants and when the appellants came to know about the same from Halqa Patwari on 29.12.2017, they filed the appeal in the Court.

3. That application was opposed by the respondents vehemently. Vide the impugned order dated 31.1.2023, the application was allowed, leaving the plaintiff No.2/Kamaljit Singh Mann aggrieved and he has approached this Court by way of filing the present revision petition.

4. I have heard learned counsel for the petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

5. The impugned order is quite detailed and well reasoned and shows due application of mind. It does not have any element of perversity or arbitrariness. Referring to various judicial pronouncements on the subject, learned Additional District Judge, Sangrur has observed that although no hard and fast rule can be laid down in dealing with the applications for condonation of delay but the Courts have been adopting liberal approach in condoning the delay of short duration. In this case, the delay was not on very high side i.e. of 120 days, which could not be said to be inordinate. Learned Additional District Judge, Sangurur has rightly observed that nobody should be condemned unheard and case should be decided on merits instead of dismissing the same on technicalities of law. It was further observed that the respondents can be compensated with costs and therefore, the application was allowed, subject to payment of cost of Rs.2,000/- by applicants/appellants to the respondents. I find no

reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

6. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

22.5.2023 (H.S.MADAAN)
Brij JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No